

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Heese et al.  
Serial No. : To be assigned  
Filed : To be assigned  
For : STABLE DRUG FORM FOR ORAL  
ADMINISTRATION WITH BENZIMIDAZOLE  
DERIVATIVES AS ACTIVE INGREDIENT AND  
PROCESS FOR THE PREPARATION THEREOF  
Examiner : To be assigned  
Group Art Unit : 1615

<p>Express Mail Label: <b><u>EV121018614US</u></b></p> <p>I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 in an envelope addressed to: Mail Stop PCT, Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450, on</p> <p><b><u>September 16, 2003</u></b></p> <p><u>BERNARD MAYS</u> Name of person mailing paper or fee</p> <p><u>Bernard Mays</u> Signature of person mailing paper or fee</p>
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MAIL STOP PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.97(b)**

Sir:

The subject application is a continuation of U.S. Patent Application Serial No.  
09/947,166, filed September 5, 2001 (the "'166 application"), which is a continuation of U.S.  
Patent Application Serial No. 09/219,985, filed December 23, 1998 (the "'985 application"),

abandoned, which is a continuation of International Application PCT/EP97/03387, filed June 27, 1997.

Applicants submit this communication in compliance with 37 C.F.R. §§1.56, 1.97 and 1.98. Favorable consideration of the documents cited on the attached Form PTO-1449 is respectfully requested.

**COPIES OF CITED DOCUMENTS ARE NOT PROVIDED**

Pursuant to 37 C.F.R. §1.98(d) and the waiver of the requirement of 37 C.F.R. §1.98(b)(1), copies of the documents cited on the attached Form PTO-1449 are not provided with this information disclosure statement.

Except for US 6,365,184 (the “184 patent”), copies of the listed documents were previously listed in one or more statements submitted in compliance with 37 C.F.R. §1.98(a)-(c) in the grandparent ‘985 application. The grandparent ‘985 and parent ‘166 applications are properly identified in this statement and the parent ‘166 application is relied on for an earlier effective filing date under 37 C.F.R. §120. The ‘184 patent issued from U.S. Patent Application Serial No. 09/471,958, filed December 23, 1999, which was identified as a pending U.S. application in a statement submitted in the prior ‘166 application. Therefore, copies of the documents listed in this statement are not required under 37 C.F.R. §1.98(d).

Furthermore., as announced in the Official Gazette of August 5, 2003, the requirement under 37 CFR 1.98(a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC 371 after June 30, 2003 has been waived.

**TIME OF TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**

This Information Disclosure Statement is being filed under 37 C.F.R. §1.97(b)(1) within three months of the filing date of the referenced national application and, therefore, a fee is not required in connection with the filing of this Statement. However, if any fee is required, the Assistant Commissioner is authorized to charge such fee to Deposit Account No. 23-1703.

Dated: September 16, 2003

Respectfully submitted,



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FORM PTO-1449 (REV. 2-82) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Atty. Docket No. 1103326-0599	Serial No. TBA
	Applicant: Hesse et al.	
	Filing Date: September 16, 2003	Group: 1615

## UNITED STATES PATENT DOCUMENTS

*Examiner Initial	Document No.							Date	Name	Class	Sub-Class	Filing Date, if Appropriate
	4	2	5	5	4	3	1	Mar. 10, 1981	Junggren et al.	424	263	
	4	7	8	6	5	0	5	Nov. 22, 1988	Lovgren et al.	424	468	
	4	8	5	3	2	3	0	Aug. 1, 1989	Lovgren et al.	424	466	
	4	9	8	0	1	7	0	Dec. 25, 1990	Schneider et al.	424	451	
	5	3	8	5	7	3	9	Jan. 31, 1995	Debregeas et al.	424	494	
	5	4	1	7	9	8	0	May 23, 1995	Goldman et al.	424	464	
	5	6	0	1	8	4	3	Feb. 11, 1997	Gimet et al.	424	475	
	5	6	9	8	2	2	5	Dec. 16, 1997	Gimet et al.	424	475	
	5	7	5	3	2	6	5	May 19, 1998	Bergstrand et al.	424	474	
	5	8	1	7	3	3	8	Oct. 6, 1998	Bergstrand et al.	424	468	
	5	9	0	0	4	2	4	May 4, 1999	Källström et al.	514	338	
	6	0	1	3	2	8	1	Jan. 11, 2000	Lundberg et al.	424	468	
	6	3	6	5	1	8	4	Apr. 2, 2002	Depui et al.	424	469	

## FOREIGN PATENT DOCUMENTS

*Examiner Initial	Document No.							Date	Country	Class	Sub-Class	Translation Yes No	
	0	2	3	7	2	0	0	Sep. 16, 1987	EP				
	0	4	9	6	4	3	7	July 19, 1992	EP				
	0	5	1	9	1	4	4	Dec. 23, 1992	EP				
	0	5	6	7	2	0	1	Oct. 27, 1993	EP				
	1	2	0	4	3	6	3	Nov. 4, 1965	DE				X
	9	4	0	2	1	4	0	Feb. 3, 1994	WO				
	9	5	0	1	7	8	3	Jan. 19, 1995	WO				
	9	7	2	5	0	6	4	July 17, 1997	WO				

Examiner:

Date Considered:

\*Examiner: Initial citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.